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SEP 13 1994

September 13, 1994

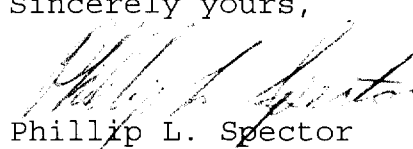
Mr. William Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Re: Ex Parte Presentation  
GEN Docket No. 90-314/92-100

Dear Mr. Caton:

On September 13, 1994, Mr. Doug Glen of PageMart, Inc., and Ms. Susan Ryan and the undersigned, attorneys for PageMart, Inc., met with the following individual to discuss the above-captioned rule-making proceeding: Mr. Ralph Haller, Chief, Private Radio Bureau. A background paper, copies of which are attached hereto, was provided to Mr. Haller.

Sincerely yours,

  
Phillip L. Spector

Attachments

SEP 13 1994

**EX PARTE PRESENTATION – NARROWBAND PCS  
GEN DOCKET NO. 90-314, PP DOCKET NO. 93-253**

COMMUNICATIONS DIVISION  
FEDERAL BUREAU OF INVESTIGATION

1. The Commission should reconsider its decision to expand eligibility for the narrowband PCS response channels.
  - These channels originally were allocated to permit existing paging companies to offer advanced paging services in conjunction with their existing licenses.
  - By expanding the definition of "existing" paging licensees, the Commission has unfairly impeded the competitive prospects of incumbent paging companies. The revised definition of "existing" paging companies allows companies that do not serve a material portion of a market to acquire the response channels critical to the primary, existing providers in the market.
  - The Commission's eligibility decision will promote warehousing by firms that do not have an immediate need for response channels. Such firms may also seek channels in order to block companies, such as PageMart, which are currently serving a market.
2. Allocation of "some" of the response channels to entrepreneurs' blocks is a reversal of the Commission's policy and would unfairly disadvantage existing providers.
  - Existing paging firms such as PageMart have already invested significant resources in the development and construction of operating paging systems. Excluding these firms from the advanced paging market would lessen competition and innovation, and result in inefficient spectrum usage.
  - Reallocation of response channels to entrepreneurs' blocks would greatly reduce their availability for incumbents.
  - The response channels originally were intended to serve the needs of existing providers, not new market entrants. Thus, encouraging entrepreneurs to enter the narrowband PCS market does not require response channels set-asides.
3. The Commission correctly recognizes the need for more regional and nationwide licenses for designated entities. This need extends to non-designated entities as well. The Commission should therefore redesignate at least one 50 x 12.5 MHz MTA and BTA license as a national or regional license, or permit combinatorial bidding on such licenses. These licenses should be open to bidding by all parties.
  - The proposed rules unfairly benefit large, small and minority women-owned firms to the detriment of mid-sized firms that lack "deep pockets" but that cannot qualify as entrepreneurs.

*Pursuant to 47 C.F.R. § 1.1206(a)(2), two copies of this document have been submitted to the Secretary of the Federal Communications Commission.*

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GEN DOCKET NO. 90-314, PP DOCKET NO. 93-253**

COMMUNICATIONS  
FEDERAL COMMUNICATIONS COMMISSION

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